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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,028	08/22/2003	Gilbert Fregoso	GIL-100XC2D1	1698
46271	7590	12/21/2004	EXAMINER	
JEAN KYLE P. O. BOX 2274 HAMILTON, MT 59840-4274			LEE, WILSON	
			ART UNIT	PAPER NUMBER
			2821	

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/647,028

Applicant(s)

FREGOSO, GILBERT

Examiner

Wilson Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Response to Argument**

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

### **Claim Rejections – 35 U.S.C. 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Logan et al. (6,692,251).

Regarding Claim 1, Logan discloses a photo-polymerization apparatus (See Figures 1 and 2B) (See Col. 6, line 60 to Col. 7, line 43) comprising:

- a housing (12);
- one light emitting diode (60) (See Col. 14, line 17);

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- a heat sink (36);
- a timing circuit (See Col. 7, line 34);
- a driver circuit (24), and
- a means (20) for applying power to the driver circuit.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Blazewicz et al. (6,815,211)

Regarding Claim 1, Blazewicz discloses a photo-polymerization apparatus (See Col. 6, lines 34-56, Col. 13, lines 15-27) comprising:

- a housing (an inherent feature for enclosing the circuit against any damage; a trivial structure);
- one light emitting diode (154) (See Figure 17);
- a heat sink (192) (See Col. 22, lines 28-37);
- a timing circuit (274) (See Figure 17);
- a driver circuit (266) (See Figure 17), and
- a means (switch) for applying power to the system (See Col. 26, lines 59-67).

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Pardikes (5,730,937)

Regarding Claim 1, Pardikes discloses a photo-polymerization apparatus (See Col. 1, lines 41-56) comprising:

- a housing (34) (See Col. 6, line 53);
- one light emitting diode (49) (See Figure 2 and Col. 6, line 59);
- a heat sink (See Col. 6, lines 1-2);

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- a timing circuit (76, 100) for time signals (See Figure 4);
- a driver circuit (62) (See Figure 4), and
- a means (60) for applying power to the driver circuit (See Figure 4).

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Kennedy et al. (5,634,711)

Regarding Claim 1, Kennedy discloses a photo-polymerization apparatus (See Abstract and Col. 1, lines 17-27) comprising:

- a housing (See Abstract);
- one light emitting diode (22) (See Col. 3, lines 37-59);
- a heat sink (26) (See Col. 3, lines 37-59);
- a timing circuit (Pulse width modulator 106a, or 106b) (See Figure 3);
- a driver circuit (output stage 110a, or 110b) (See Figure 3), and
- a means (21) for applying power to the driver circuit (See Figures 2 and 3).

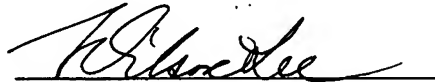
### **Correspondence**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Wilson Lee whose telephone number is (571) 272-1824.

Papers related to Technology Center 2800 applications may be submitted to Technology Center 2800 by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The official fax number is (703) 872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Wilson Lee", is written over a horizontal line.

Wilson Lee  
Primary Examiner  
U.S. Patent & Trademark Office

12/20/04